

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

FERRELL WALKER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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CASE NO.: 7:07-CR-30 (LAG)
7:24-CV-51 (LAG)

ORDER

Before the Court are Petitioner Ferrell Walker’s Motion for Leave to Appeal *in forma pauperis* (IFP) (Doc. 173) and Motion for Certificate of Appealability (Doc. 174). Petitioner seeks to appeal the Court’s July 22, 2025 Order (Doc. 170) denying his Motion to Vacate under 28 U.S.C. § 2255 (Doc. 161) and Motion for Certificate of Appealability (Doc. 168). (Doc. 172). In the July 22, 2025 Order, the Court denied Petitioner a certificate of appealability because Petitioner “failed to make a substantial showing of the denial of a constitutional right[.]” (*Id.* at 5); 28 U.S.C. § 2253(c)(2). On August 12, 2025, Petitioner filed a Motion for Leave to Appeal IFP (Doc. 173) and another Motion for Certificate of Appealability (Doc. 174).

Under 28 U.S.C. § 1915(a)(3), “[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” An appeal is not taken in good faith when the litigant seeks review of objectively frivolous issues. *Ghee v. Retailers Nat’l Bank*, 271 F. App’x 858, 859 (11th Cir. 2008) (per curiam) (citing *Coppedge v. United States*, 369 U.S. 438, 445 (1962)). An issue is objectively frivolous “if it is without arguable merit either in law or fact.” *Bilal v. Driver*, 251 F.3d 1346, 1439 (11th Cir. 2001) (citations omitted). A motion to proceed IFP on appeal must include an affidavit stating the issues the litigant intends to raise so that the court can determine whether the appeal is brought in good faith or is frivolous. *See Coppedge*, 369 U.S. at 443–

44 (citing 28 U.S.C. § 1915(a)); *see also* Fed. R. App. P. 24(a)(1)(C). Petitioner has not submitted an affidavit stating the issues he intends to raise on appeal as required under 28 U.S.C. § 1915(a)(1) and Federal Rule of Appellate Procedure 24(a)(1)(C). (*See* Doc. 173). Moreover, for the reasons laid out in the July 22, 2025 Order, Petitioner's arguments have no basis in law or fact. (*See* Doc. 170). Because Petitioner has presented no non-frivolous issues for appeal, his appeal is not taken in good faith.

Accordingly, Petitioner's Motion for Leave to Appeal IFP (Doc. 173) is **DENIED**. Any further request to proceed in forma pauperis on appeal should be directed to the Eleventh Circuit Court of Appeals. *See* Fed. R. App. P. 24(a)(5). Further, as the Court has previously found that Petitioner failed to make a substantial showing of the denial of a constitutional right, Petitioner's Motion for Certificate of Appealability (Doc. 174) is **DENIED**.

SO ORDERED, this 1st day of October, 2025.

/s/ Leslie A. Gardner
LESLIE A. GARDNER, CHIEF JUDGE
UNITED STATES DISTRICT COURT